APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/088,737	06/02/98	KOANA	R 862.2339

005514 LM31/0328 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK NY 10112	**EXAMINER** POON, K

ART UNIT	PAPER NUMBER
2724	3

DATE MAILED:
03/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters,   **prosecution as to the merits is closed** in accordance with the practice under   *Ex parte Quayle*, 935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____3___ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *1-35*_____ is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-35*_____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐Some* ☐None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama.

Regarding claim 1: Kageyama discloses a client computer, a printer/spooler control

server, and distributed printing manager server (fig. 5, column 14 line 51-58) having connection

means (see the connection from 15 to 17, 18 of fig. 1) for being connected to a plurality of

printers (image output apparatus)(# 17, 18 of fig. 1), comprising: obtain means (#550 of fig. 5)

for obtaining an output form of an image (see column 24 line 42-50) to be printed by the printer

from another data processing apparatus (fig. 1); selection means (521, 510 and 522 of fig. 5) for

selecting an image output apparatus, which performs (print job (see column 9 line 47-65)) output

operation in the output form obtain by the obtain mean, from the plurity printers connected by the

connection mean; (see column 16 line 61-64) and job assigning means (# 510 of fig. 5) for

controlling the data processing apparatus of assigning an image output job (the print job for the

client) to the selected printer.

Kageyama does not teach to use a single data processing apparatus to carry out the

process. However, Kageyama teaches that the invention is carried out by using a printer/spooler

control server, a client, and a distributed printing management server. Kageyama also teaches

that all servers and clients are using the same type of computer. (See column 14 line 50-60) and

that a function of a computer can be installed into another computer. (See column 23 line 23-29)

Therefore, the function that a printer/spooler control server, a client, and a distributed printing

management server perform can be implemented in one computer as suggested by Kageyama

and a network (see fig. 3) that is having a plurality of these computers connected to it.

At the time of invention, it would have been obvious to one of ordinary skill in the art to

implement the function of the printer/spooler control server, the client, and the distributed

printing management server into one data processing apparatus and a network that are having a

plurality of these apparatuses connected as suggested by Kageyama for the purpose of reducing

working space.

Regarding claim 2: Kageyama teaches that the selection means selects an image output

apparatus base on a specification (content of the image output job) (see column 16 line 54-65,

column 9 line 47-65) of the print job in addition to the output form obtained by the obtain means.

Regarding claim 3: Kageyama teaches that the selection means selects an image output

apparatus base on a specification (content of the image output job) (see column 16 line 54-65,

column 9 line 47-65) and state (column 24 line 1-15, column 30 line 1-15, column 31 line 60-67)

of the print job (image output job) that is assigned to each of the printers, in addition to the

output form obtained by the obtain means. (Note: printer would not be selected by a user if the printer is running out of paper while printing an assigned print job)

Regarding claim 4:   Kageyama teaches that the selection means comprises a confirm means (see # 510 of fig. 5) for confirming function of each of the plurality of selectable printers and selects a printer having function to perform (see the printer having a double side printing function of column 16 line 55-60) output operation in the output form obtained by the obtain means. (Also see 24 line 20-25)

Regarding claim 5: Kageyama teaches that the confirm means confirm the function of each of the plurality of printers by referring to a printer configuration management table (memory storing)(see column 24 line 5-25), in advance data indicative of the function of each of the plurality of printers.

Regarding claim 6: Kageyama teaches that the confirm means confirm the function of each of the plurality of printers by communicating with each of the plurality of printers (see column 23 line 55-60 and fig. 1)

Regarding claim 7: Kageyama teaches to select a printer according to the speed of a printer, (See column 24 line 25-35) (the obtained output form designates to select a printer which completes execution of the image output job in a short time period) the selection means selects a printer which can perform printing (output operation) in the designated output form, base on a specification (content of the image output job) (see column 16 line 54-65, column 9 line 47-65) and state (column 24 line 1-15, column 30 line 1-15, column 31 line 60-67) of the

print job (image output job) that is assigned to each of the printers. (Note: printer would not be selected by a user if the printer is running out of paper while printing an assigned print job)

Regarding claim 8: Kageyama teaches that the data processing apparatus further comprising display means (column 15 line 1) for displaying a message regarding an execution state of the image output job assigned to each of the plurality of printers. (See column 30 line 1-11, column 36 line 54-64)

Regarding claim 9: Kageyama teaches to select a printer with color image output function. (See color of fig. 15) (the obtained output form designates to select an image output apparatus having color image output function to perform color image output), the selection means confirms the function of each of the plurity of selectable printers and selects a printer having the color image output function to perform printing operation in the designated output form. (See column 16 line 54-65, column 24 line 1-25)

Regarding claim 10: Kageyama teaches to select a printer with both side printing function. (See double side printing of fig. 10(b)) (the obtained output form designates to select a printer having both-side printing function to perform both-side printing), the selection means confirms the function of each of the plurity of selectable printers and selects a printer having the color image output function to perform printing operation in the designated output form. (See column 16 line 54-65, column 24 line 1-25)

Regarding claim 11: Kageyama teaches that in the case where a size of an output image is designated by the output form (see zoom-in/out ratio of fig. 15), the selection means confirms the

function of each of the plurality of selectable printers and select a printer that can perform the

printing (output) operation in the designated output form. (See column 16 line 54-65, column 24

line 1-25)

Regarding claim 12: Kageyama teaches that in the case where there are plural printers

which can perform printing operation in the output form, the selection means selects one of the

plural printers base on a priority set in advance. (See column 16 line 54-65, column 24 line 1-25,

column 40 line 47, # 72-1 of fig. 25)

Regarding claim 13: Kageyama teaches that in case where there are plural printers which

can perform printing operation in the output form, the selection means allows an operator to

select one of the plural image output apparatuses. (Base on an instruction inputted by an operator

through a keyboard)(See #522, 521 of fig. 5 column 16 line 54-65)

Regarding claim 14: Kageyama teaches that in a case where the output form includes

plural output forms, (see column 24 line 42-49), the selection means selects a printer which can

print in all the output form. (See column 16 line 54-65)

Regarding claim 15: Kageyama discloses a data processing apparatus (fig. 5, column 14

line 51-58) having connection means (see the connection from 15 to 17, 18 of fig. 1) for being

connected to a plurality of printers (image output apparatus)(# 17, 18 of fig. 1)

Regarding claims 16-29: Claims 16-29 is claiming method steps performed by the

apparatus claimed in claims 1-14. Please see discussion on claims 1-14.

Regarding claims 30, 31: Kageyama discloses a client computer, a printer/spooler control server, and distributed printing manager server (fig. 5, column 14 line 51-58) having connection means (see the connection from 15 to 17, 18 of fig. 1) for being connected to a plurality of printers (image output apparatus)(# 17, 18 of fig. 1), comprising: obtain means (#550 of fig. 5) for obtaining an output form of an image (see column 24 line 42-50) to be printed by the printer from another data processing apparatus (fig. 1); and selection means (521, 510 and 522 of fig. 5) for selecting an image output apparatus, which performs (print job (see column 9 line 47-65)) output operation in the output form obtain by the obtain mean, from the plurity printers connected by the connection mean. (see column 16 line 61-64)

Kageyama does not teach to use a single data processing apparatus to carry out the process. However, Kageyama teaches that the invention is carried out by using a printer/spooler control server, a client, and a distributed printing management server. Kageyama also teaches that all servers and clients are using the same type of computer. (See column 14 line 50-60) and that a function of a computer can be installed into another computer. (See column 23 line 23-29) Therefore, the function that a printer/spooler control server, a client, and a distributed printing management server perform can be implemented in one computer as suggested by Kageyama and a network (see fig. 3) that is having a plurality of these computers connected to it.

At the time of invention, it would have been obvious to one of ordinary skill in the art to implement the function of the printer/spooler control server, the client, and the distributed printing management server into one data processing apparatus and a network that are having a

plurality of these apparatuses connected as suggested by Kageyama for the purpose of reducing working space.

Regarding claims 32, 33: Kageyama discloses a ROM (# 510 of fig. 5) (a memory storing a program code) for controlling a computer. (fig. 5, column 14 line 51-58) Kageyama teaches a client computer, a printer/spooler control server, and distributed printing manager server having connection means (see the connection from 15 to 17, 18 of fig. 1) for being connected to a plurality of printers (image output apparatus)(# 17, 18 of fig. 1), for causing the data processing apparatus to operate as an apparatus comprising: obtain means (#550 of fig. 5) for obtaining an output form of an image (see column 24 line 42-50) to be printed by the printer from another data processing apparatus (fig. 1); selection means (521, 510 and 522 of fig. 5) for selecting an image output apparatus, which performs (print job (see column 9 line 47-65)) output operation in the output form obtain by the obtain mean, from the plurity printers connected by the connection mean; (see column 16 line 61-64) and job assigning means (# 510 of fig. 5) for controlling the data processing apparatus of assigning an image output job (the print job for the client) to the selected printer.

Kageyama does not teach to use a single data processing apparatus to carry out the process. However, Kageyama teaches that the invention is carried out by using a printer/spooler control server, a client, and a distributed printing management server. Kageyama also teaches that all servers and clients are using the same type of computer. (See column 14 line 50-60) and that a function of a computer can be installed into another computer. (See column 23 line 23-29)

Therefore, the function that a printer/spooler control server, a client, and a distributed printing management server perform can be implemented in one computer as suggested by Kageyama and a network (see fig. 3) that is having a plurality of these computers connected to it.

At the time of invention, it would have been obvious to one of ordinary skill in the art to implement the function of the printer/spooler control server, the client, and the distributed printing management server into one data processing apparatus and a network that are having a plurality of these apparatuses connected as suggested by Kageyama for the purpose of reducing working space.

Regarding claims 34, 35: Kageyama discloses a ROM (# 510 of fig. 5) (a memory storing a program code) for controlling a data processing apparatus. (fig. 5, column 14 line 51-58) Kageyama teaches a client computer, a printer/spooler control server, and distributed printing manager server having connection means (see the connection from 15 to 17, 18 of fig. 1) for being connected to a plurality of printers (image output apparatus)(# 17, 18 of fig. 1), for causing the data processing apparatus to operate as an apparatus comprising: obtain means (#550 of fig. 5) for obtaining an output form of an image (see column 24 line 42-50) to be printed by the printer from another data processing apparatus (fig. 1); selection means (521, 510 and 522 of fig. 5) for selecting an image output apparatus, which performs (print job (see column 9 line 47-65)) output operation in the output form obtain by the obtain mean, from the plurity printers connected by the connection mean. (see column 16 line 61-64)

Kageyama does not teach to use a single data processing apparatus to carry out the process. However, Kageyama teaches that the invention is carried out by using a printer/spooler control server, a client, and a distributed printing management server. Kageyama also teaches that all servers and clients are using the same type of computer. (See column 14 line 50-60) and that a function of a computer can be installed into another computer. (See column 23 line 23-29) Therefore, the function that a printer/spooler control server, a client, and a distributed printing management server perform can be implemented in one computer as suggested by Kageyama and a network (see fig. 3) that is having a plurality of these computers connected to it.

At the time of invention, it would have been obvious to one of ordinary skill in the art to implement the function of the printer/spooler control server, the client, and the distributed printing management server into one data processing apparatus and a network that are having a plurality of these apparatuses connected as suggested by Kageyama for the purpose of reducing working space.

Conclusion

3.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to King Y. Poon whose telephone number is (703) 305-0892 or to Supervisor

Mr. David Moore whose phone number is (703) 308-7452.

March 20, 2000

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